IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Bail Appl..No. 7101 of 2007()

CRIME NO.381/07 OF VALIYATHURA POLICE STATION

PETITIONER/ACCUSED:

P.J. NAVEEN, S/O. R. PRADEEPKUMAR,
T.C.NO.41/1321, NEELA MANDIRAM, KURIATHY,
MANACADU P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
VALIYATHURA POLICE STATION THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY P.P. SRI. GIKKU JACOB.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7101 OF 2007

Dated this the 22nd day of November, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations in a crime registered under Sec.376 of the IPC. An adult woman aged about 23 years was found to be pregnant. Her father interrogated her to reveal the name of the person responsible for the pregnancy. She initially refused. Ultimately, she revealed the name of the petitioner as the person responsible for such pregnancy. Apprehending unfriendly responses from the members of her household, she voluntarily left the household and took shelter in a care home. Her father lodged a First Information Statement and a crime was registered under the caption “woman missing”. Later, she was traced at the said care home. She was taken to a Doctor. She was examined. Before the Doctor and later

before the Investigating Officer she has made a categoric statement that the sexual intercourse was willing and voluntary. Of course, there is also a statement that there was a breach of promise to marry her. The learned counsel for the petitioner submits that the allegations are false and, at any rate, the petitioner does not deserve to endure the trauma of undeserved arrest and detention. The petitioner may be granted anticipatory bail, it is prayed.

2. The learned Public Prosecutor does not oppose the application. The Case Diary has been placed before me for my perusal. I have perused the same. I am satisfied, in the facts and circumstances of this case, that the petitioner is entitled for grant of anticipatory bail. In the absence of opposition, it is not necessary for me to advert to the facts in any greater detail in this order. Appropriate conditions to facilitate a proper, fair and efficient investigation can, of course, be imposed.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned

Magistrate having jurisdiction at 11 a.m. on 29/11/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 5 p.m. on 30/11/07 and 1/12/07. During this period, the Investigator shall be at liberty to interrogate the petitioner in custody and to get necessary steps taken in investigation including the conduct of the potency test. Thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 29/11/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 29/11/07.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge